

Notice of Allowability

Application No.

10/692,251

Examiner

Sadaf Toor

Applicant(s)

CARNEY, JAMES KEVIN

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3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 08 November 2004.
2. ☒ The allowed claim(s) is/are 1-7,9-13 and 16 (renumbered claims 1-13).
3. ☒ The drawings filed on 08 November 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


CHARLES MARMOR
PRIMARY EXAMINER

DETAILED ACTION

1. This office action is responsive to the amendment filed on November 8, 2004. Examiner acknowledges the cancellation of claims 8, 14-15, and 17-20 and the amendment of claims 1, 9, 11, and 16. Claims 1-7, 9-13 and 16 are therefore pending in this application. Examiner acknowledges Figs. 5 and 7 as originally submitted. The figures have been rescanned and there appears to be no error present.

Allowable Subject Matter

2. Claims 1-7, 9-13, and 16 are allowed over the prior art of record.
3. The following is an examiner's statement of reasons for allowance:
4. Regarding claims 1-7, 9 and 10, no prior art of record teach or fairly suggest a method for determining vulnerable plaque where a guide member is inserted into the cardiovascular lumen for sensing temperature from a first and second position along the guide member and the vulnerable plaque is determined based on the temperatures from these two positions (the second position being proximal to the first position), and where bodily fluid flowing in the cardiovascular lumen is cooled to increase the temperature difference between the first position and the second position.
5. Regarding claims 11-13 and 16, no prior art of record teach or fairly suggest a system for determining vulnerable plaque where the system includes means for inserting a guide member into the cardiovascular lumen, the guide member having means for sensing temperature from a first and second position (the second position being proximal to the first position), means for

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determining the vulnerable plaque based on the temperatures from these two positions, means for compensating the sensed temperatures with flow measurements and means for determining the vulnerable plaque based on the difference between the compensated temperatures from the two positions, and means for cooling bodily fluid flowing in the cardiovascular lumen to increase the temperature difference between the first position and the second position.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sadaf Toor whose telephone number is (571) 272-4734. The examiner can normally be reached on Monday - Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sat
11/22/04


CHARLES MARMOR
PRIMARY EXAMINER